

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ELISE POOLE, and JACKIE BUNTGEN,

Plaintiffs,

vs.

CITY OF LINCOLN, LANCASTER
COUNTY, JEFF BLIEMEISTER, Lincoln
Police Chief; TERRY WAGNER,
Lancaster County Sheriff; and
OFFICERS JANE OR JOHN DOES, 1-
21, in their individual capacities as
employees of Lancaster County and/or
the City of Lincoln;

Defendants.

4:21CV3030

FINAL PROGRESSION ORDER

IT IS ORDERED that the final progression order is as follows:

- 1) An interim status conference will be held with the undersigned magistrate judge on **November 2, 2021 at 11:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The trial and pretrial conference will not be set at this time. A status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings will be held with the undersigned magistrate judge on **May 3, 2022 at 9:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 3) The deadline for serving initial mandatory disclosures under Rule 26(a)(1) is August 27, 2021.
- 4) The deadline for moving to amend pleadings or add parties is November 26, 2021.
- 5) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is December 30, 2021. Motions

to compel written discovery under Rules 33, 34, 36, and 45 must be filed by January 13, 2022.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 6) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s):	January 31, 2022.
For the defendant(s):	February 28, 2022.

- 7) The deadlines for complete expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s):	February 28, 2022.
For the defendant(s):	March 30, 2022.
Plaintiff(s)' rebuttal:	April 14, 2022.

- 8) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is May 13, 2022.

a. The maximum number of depositions that may be taken by the plaintiffs as a group and the defendants as a group is 20.

b. Depositions will be limited by Rule 30(d)(1).

- 9) The deadline for filing motions to dismiss and motions for summary judgment is June 13, 2022.

- 10) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is June 13, 2022.

- 11) Motions in limine shall be filed seven days before the pretrial conference. It

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.

- 12) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 13) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 4th day of August, 2021.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge